

**In the United States District Court  
for the Southern District of Georgia  
Waycross Division**

PATRICIA ROE, individually and  
as personal representative of  
the Estate of Edward Roe,  
deceased,

Plaintiff,

CV 5:21-002

v.

DAVID MOORE, Sheriff of  
Atkinson County, Georgia, in  
his individual capacity; and  
NANETTE WOOD,

Defendants.

**ORDER**

Plaintiff Patricia Roe initiated this action on January 8, 2021. See Dkt. No. 1. Defendant David Moore timely moved to dismiss the Complaint. Dkt. No. 6. Eleven days later, Plaintiff filed an Amended Complaint. Dkt. No. 9. For the reasons below, Defendant's motion to dismiss is **DENIED as moot**.

**LEGAL STANDARD**

Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course within 21 days after service of a motion under Rule 12(b). Fed. R. Civ. P. 15(a)(1)(B). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment,"

and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

#### DISCUSSION

Plaintiff timely filed her Amended Complaint as a matter of course pursuant to Rule 15(a)(1)(B). Further, Plaintiff's Amended Complaint supersedes her original Complaint. Defendant's motion to dismiss the original Complaint, dkt. no. 6, has thus been rendered moot by Plaintiff's filing of her Amended Complaint. Should Defendant wish to renew a motion to dismiss with regard to the Amended Complaint, he is granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

#### CONCLUSION

Defendant's Motion to Dismiss the original Complaint, dkt. no. 6, is **DENIED as moot**. Similarly, Defendant's related motion to stay, dkt. no. 7, is also **DENIED as moot**.

SO ORDERED, this 9 day of April, 2021.

HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA